In the name of the LORD, the Everlasting God
(Genesis 21,33)

THE COMPLETE RESTATEMENT OF THE ORAL LAW (Mishneh Torah)

The Law as it should actually be practiced by all in our day

by the Master Teacher Moshe son of Maimon

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translated from the Hebrew text
reconstructed according to the Yemenite manuscripts
by the staff of Mechon Mamre

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Then, should I not be ashamed--
when I have regard, unto all Thy commandments
(Psalms 119,6).

Introduction

1 All the commandments that were given to Moshe at Sinai were given together with their interpretation, as it is written "and I will give thee the Tables of Stone, and the Law, and the Commandment" (Exodus 24,12). "Law" is the Written Law; and "Commandment" is its interpretation: We were commanded to fulfill the Law, according to the Commandment. And this Commandment is what is called the Oral Law.

2 The whole of the Law was written down by Moshe Our Teacher before he died, in his own hand. He gave a scroll of the Law to each tribe; and he put another scroll by the Ark for a witness, as it is written "take this book of the Law, and put it by the side of the Ark of the Covenant of the LORD your God, that it may be there for a witness against thee" (Deuteronomy 31,26).

3 But the Commandment, which is the interpretation of the Law--he did not write it down, but gave orders concerning it to the elders, to Yehoshua, and to all the rest of Israel, as it is written "all this word which I command you, that shall ye observe to do . . ." (Deuteronomy 13,1). For this reason, it is called the Oral Law.

4 Although the Oral Law was not written down, Moshe Our Teacher taught all of it in his court to the seventy elders; and El`azar, Pinehas, and Yehoshua, all three received it from Moshe. And to his student Yehoshua, Moshe Our Teacher passed on the Oral Law and ordered him concerning it. And so Yehoshua throughout his life taught it orally.

5 Many elders received it from Yehoshua, and Eli received it from the elders and from Pinehas; Shemuel received it from Eli and his court, and David received it from Shemuel and his court. Ahiyah the Shilonite was among those who had come out of Egypt, and was a Levite, and had heard it from Moshe, but was young in Moshe's time; and he received it from David and his court.

6 Eliyahu received it from Ahiyah the Shilonite and his court, Elisha received it from Eliyahu and his court, Yehoyada the Priest received it from Elisha and his court, Zecharyahu received it from Yehoyada and his court, Hoshea received it from Zecharyah and his court, Amos received it from Hoshea and his court, Yeshayahu received it from Amos and his court, Michah received it from Yeshayah and his court, Yoel received it from Michah and his court, Nahum received it from Yoel and his court, Havaqquq received it from Nahum and his court, Tsefanyah received it from Havaqquq and his court, Yirmiyah received it from Tsefanyah and his court, Baruch son of Neriyah received it from Yirmiyah and his court, and Ezra and his court received it from Baruch and his court.

7 Ezra's court is called the Men of the Great Assembly, and they were Haggai, Zecharyah, and Mal'achi, and Daniyel Hananyah Mishael and Azaryah, and Nehemyah son of Hachalyah, and Mordochai, and Zerubavel; and many other sages were with them, numbering altogether one hundred twenty elders. The last of them was Shim`on the Righteous, who was included among the one hundred twenty, and received the Oral Law from all of them; and he was High Priest after Ezra.

8 Antignos of Socho and his court received it from Shim`on the Righteous and his court, Yosef son of Yoezer of Tseredah and Yosef son of Yohanan of Jerusalem and their court received it from Antignos and his court, Yehoshua son of Perahyah and Nittai the Arbelite and their court received it from Yosef and Yosef and their court, Yehudah son of Tabbai and Shim`on son of Shatah and their court received it from Yehoshua and Nittai and their court. Shemayah and Avtalyon, righteous converts, and their court received it from Yehudah and Shim`on and their court. Hillel and Shammai and their court received it from

Shemayah and Avtalyon and their court, and Rabban Yohanan son of Zakkai and Rabban Shim`on the son of Hillel received it from Hillel and his court.

9 Rabban Yohanan son of Zakkai had five students, and they were the greatest among the sages who received it from him; they were Ribbi Eliezer the Great, Ribbi Yehoshua, Ribbi Yose the Priest, Ribbi Shim`on son of Netan'el, and Ribbi El`azar son of Arach. Ribbi Aqivah son of Yosef received it from Ribbi Eliezer the Great, and his father, Yosef, was a righteous convert. Ribbi Yishmael and Ribbi Meir, the son of a righteous convert, received it from Ribbi Aqivah. Ribbi Meir and his colleagues also received it from Ribbi Yishmael.

10 Ribbi Meir's colleagues were Ribbi Yehudah, Ribbi Yose, Ribbi Shim`on, Ribbi Nehemyah, Ribbi El`azar son of Shammua, Ribbi Yohanan the sandal maker, Shim`on son of Azzai, and Ribbi Hananya son of Teradyon. Ribbi Aqivah's colleagues also received it from Ribbi Eliezer the Great; and Ribbi Aqivah's colleagues were Ribbi Tarfon, the teacher of Ribbi Yose the Galilean, Ribbi Shim`on son of El`azar, and Ribbi Yohanan son of Nuri.

11 Rabban Gamliel the Elder received it from his father, Rabban Shim`on son of Hillel; his son, Rabban Shim`on, received it from him; his son, Rabban Gamliel, received it from him; and his son, Rabban Shim`on, received it from him. Ribbi Yehudah son of Rabban Shim`on is called Our Holy Teacher, and he received it from his father, and from Ribbi El`azar son of Shammua, and from Ribbi Shim`on, his colleague.

12 Our Holy Teacher wrote the Mishnah. From the time of Moshe until Our Holy Teacher, no one had written a work from which the Oral Law was publicly taught. Rather, in each generation, the head of the court or the prophet of the time wrote down for his private use notes on the traditions he had heard from his teachers, but he taught in public from memory.

13 So too, each individual wrote down, according to his ability, parts of the explanation of the Torah and of its laws that he had heard, as well as the new matters that developed in each generation, which had not been received by tradition, but had been deduced by applying the Thirteen Principles for Interpreting the Torah, and had been agreed upon by the Great Rabbinical Court. Such had always been done, until the time of Our Holy Teacher.

14 He gathered together all the traditions, all the enactments, and all the explanations and interpretations that had been heard from Moshe Our Teacher or had been deduced by the courts of all the generations in all matters of the Torah; and he wrote the Book of the Mishnah from all of them. And he taught it in public, and it became known to all Israel; everyone wrote it down and taught it everywhere, so that the Oral Law would not be forgotten by Israel.

15 And why did Our Holy Teacher do so, and did not leave the matter as it had been? Because he saw that the students were becoming fewer and fewer, calamities were continually happening, wicked government was extending its domain and increasing in power, and the Israelites were wandering and reaching remote places. He thus wrote a work to serve as a handbook for all, so that it could be rapidly studied and would not be forgotten; throughout his life, he and his court continued giving public instruction in the Mishnah.

16 These are the greatest sages who were in Our Holy Teacher's court and who received from him: his sons Shim`on and Gamliel, Ribbi Afes, Ribbi Hananya son of Hama, Ribbi Hiyya, Rav, Ribbi Yannai, bar Qappara, Shemuel, Ribbi Yohanan, and Ribbi Hoshaya. These were the greatest who received it from him, and besides them were thousands and myriads of other sages.

17 Although these eleven received it from Our Holy Teacher and attended his house of study, Ribbi Yohanan was young at the time, and later was a student of Ribbi Yannai and received Torah from him. Rav also received it from Ribbi Yannai, and Shemuel received it from Ribbi Hananya son of Hama.

18 Rav wrote the Sifra and the Sifre to explain and expound the principles of the Mishnah, and Ribbi Hiyya wrote the Tosefta to explain the text of the Mishnah. So too, Ribbi Hoshayah and bar Qappara wrote alternative oral traditions to explain the text of the Mishnah. Ribbi Yohanan wrote the Jerusalem Talmud in the Land of Israel about three hundred years after the destruction of the Temple.

19 Among the greatest sages who received from Rav and Shemuel were Rav Huna, Rav Yehudah, Rav Nahman, and Rav Kahana; and among the greatest sages who received from Ribbi Yohanan were Rabbah grandson of Hanah, Ribbi Ame, Ribbi Ase, Rav Dime, and Rabbun.

20 Among the sages who received from Rav Huna and Rav Yehudah were Rabbah and Rav Yosef. And among the sages who received from Rabbah and Rav Yosef were Abaye and Rabba; both of them received from Rav Nahman as well. And among the sages who received from Rabba were Rav Ashe and Rabbina; and Mar son of Rav Ashe received from his father and from Rabbina.

21 Thus, from Rav Ashe back to Moshe Our Teacher, there were forty [generations of] great men; that is to say: (1) Rav Ashe, (2) from Rabba, (3) from Rabbah, (4) from Rav Huna, (5) from Ribbi Yohanan, Rav, and Shemuel, (6) from Our Holy Teacher, (7) from his father, Rabban Shim`on, (8) from his father, Rabban Gamliel, (9) from his father, Rabban Shim`on, (10) from his father, Rabban Gamliel the Elder, (11) from his father, Rabban Shim`on, (12) from his father, Hillel, and Shammai, (13) from Shemayah and Avtalyon, (14) from Yehudah and Shim`on, (15) from Yehoshua and Nittai, (16) from Yosef

and Yosef, (17) from Antignos, (18) from Shim`on the Righteous, (19) from Ezra, (20) from Baruch, (21) from Yirmiyah, (22) from Tsefanyah, (23) from Havaqquq, (24) from Nahum, (25) from Yoel, (26) from Michah, (27) from Yeshayah, (28) from Amos, (29) from Hoshea, (30) from Zecharyah, (31) from Yehoyada, (32) from Elisha, (33) from Eliyahu, (34) from Ahiyah, (35) from David, (36) from Shemuel, (37) from Eli, (38) from Pinehas, (39) from Yehoshua, (40) from Moshe Our Teacher, the greatest of all of the prophets, from the LORD God of Israel.

22 All of the sages mentioned here were the great men of the generations: some of them were heads of academies, some were exilarchs, and some were members of great sanhedria. Besides them in every generation were thousands and myriads who learned from them and with them.

23 Rabbina and Rav Ashe were the last of the [authoritative] sages of the Talmud; it was Rav Ashe who wrote the Babylonian Talmud in the Land of Babylon, about a hundred years after Ribbi Yohanan wrote the Jerusalem Talmud.

24 The subject matter of the two Talmuds is the interpretation of the text of the Mishnah and explanation of its depths and the matters that developed in the various courts from the time of Our Holy Teacher until the writing of the Talmud. From the two Talmuds, and from the Tosefta, and from the Sifra and from the Sifre, and from the Toseftot--from them all--are to be found what is forbidden and what is permitted, what is unclean and what is clean, what is liable and what is exempt, and what is fit for use and what is unfit for use, according to the unbroken oral tradition from Moshe as received from Sinai.

25 From them are also found the restrictive legislations enacted by the sages and prophets in each generation, to serve as a protecting fence around the Law, as learned from Moshe in the interpretation of "ye shall keep My preventive measure" (Leviticus 18,30), which said take preventive measures to preserve My preventive measures.

26 From them are found as well the customs and affirmative legislations that were enacted or brought into use during the various generations, as the court of each generation saw fit. For it is forbidden to deviate from them, as it is written "thou shalt not turn aside from whatever they shall declare unto thee, neither to the right hand nor to the left" (see Deuteronomy 17,11).

27 So too [from them are found] extraordinary interpretative judgments and rules that were not received from Moshe, but that the Great Rabbinical Court of its generation deduced by applying the Principles for Interpreting the Torah and the Elders judged to be appropriate, and decided that such shall be the Law.

All of this, from the time of Moshe to his own time, Rav Ashe wrote in the Talmud.

28 The Mishnah sages wrote other works to interpret the words of the Torah: Ribbi Hoshayah, a student of Our Holy Teacher, wrote an explanation of the Book of Genesis. Ribbi Yishmael wrote a commentary [on the Biblical text] from the beginning of the Book of Exodus to the end of the Torah, which is called the Mechilta; and Ribbi Aqivah also wrote a Mechilta. Other sages later wrote collections of sermonic materials on the Bible. All of these were written before the Babylonian Talmud.

29 Rabbina and Rav Ashe and their colleagues were thus the last of the great sages of Israel who wrote down the Oral Law, enacted restrictive legislations, enacted affirmative legislations, and enacted binding customs; and their legislations and customs gained universal acceptance among the people of Israel in all of the places where they settled.

30 After the court of Rav Ashe, who wrote the Talmud in the time of his son and completed it, the people of Israel were scattered throughout all the nations most exceedingly and reached the most remote parts and distant isles; and armed struggle became prevalent in the World, and the public ways became clogged with armies. The study of the Torah declined, and the people of Israel ceased to gather in places of study in their thousands and myriads as they had before.

31 Rather there gathered together a few individuals, the remnant whom the LORD calls in each city and in each town, and occupied themselves with the Torah, understood all the works of the sages, and knew from them what the correct way of the Law is.

32 The enacted legislations or enacted customs of the courts that were established in any town after the time of the Talmud for the town's residents or for several towns' residents did not gain the acceptance of all Israel, because of the remoteness of their settlements and the difficulties of travel, and because the members of the court of any particular town were just individuals, and the Great Rabbinical Court of seventy members had ceased to exist several years before the writing of the Talmud.

33 So a town's residents are not forced to observe the customs of another town, nor is one court told to enact the restrictive legislations of another court in its town. So too, if one of the Geonim understood that the correct way of the Law was such and such, and it became clear to another court afterwards that this was not the correct way of the Law written in the Talmud, the earlier court is not to be obeyed, but rather what seems more correct, whether earlier or later.

34 These matters apply to rulings, enactments, and customs that arose after the Talmud was written. But whatever is in the Babylonian Talmud is binding on all of the people of Israel; and every city and town is forced to observe all the customs observed by the Talmud's sages and to enact their restrictive legislations and to observe their positive legislations.

35 For all those matters in the Talmud received the assent of all of Israel, and those sages who enacted the positive and negative legislations, enacted binding customs, ruled the rulings, and found that a certain understanding of the Law was correct constituted all of Israel's sages, or most of them, and it was they who received the traditions of the Oral Law concerning the fundamentals of the whole Law in unbroken succession back to Moshe Our Teacher.

36 All the sages who arose after the writing of the Talmud, who studied it deeply, and who became famous for their wisdom are called the Geonim. All those Geonim who arose in the Land of Israel, in the Land of Babylon, in Spain, and in France taught the way of the Talmud, clarified its obscurities, and explained its various topics, for its way is exceedingly profound. And further, it is written in Aramaic mixed with other languages: for that language had been clearly understood by all in Babylon, at the time when it was written; but in other places as well as in Babylon in the time of the Geonim, no one understood that language until he was taught it.

37 Many questions were asked of each Gaon of the time by the people of various cities, to comment on difficult matters in the Talmud, and they answered according to their wisdom; and those who had asked the questions collected the answers, and made them into books for study.

38 The Geonim in every generation also wrote works to explain the Talmud: Some of them commented on a few particular laws, some of them commented on particular chapters that presented difficulties in their time, and some of them commented on Tractates or Orders.

39 They also wrote collections of settled laws as to what is forbidden and permitted, liable and exempt, according to the needs of the time, so that they could be easily learned by one who is not able to fathom the depths of the Talmud. That is the work of the LORD that all the Geonim of Israel did, from the time the Talmud was written to the present day, which is 1108 years from the Destruction of the Temple [which is 4937 years from Creation, or 1177 C.E.].

40 In our time, severe troubles come one after another, and all are in distress; the wisdom of our sages has disappeared, and the understanding of our discerning men is hidden. Thus, the commentaries, the responses to questions, and the settled laws that the Geonim wrote, which had once seemed clear, have in our times become hard to understand, so that only a few properly understand

them. And one hardly needs to mention the Talmud itself--the Babylonian Talmud, the Jerusalem Talmud, the Sifra, the Sifre, and the Toseftot--which all require a broad mind, a wise soul, and considerable time, before one can correctly know from them what is forbidden or permitted and the other rules of the Torah.

41 For this reason, I, Moshe son of the Rav Maimon the Sephardi, found that the current situation is unbearable; and so, relying on the help of the Rock blessed be He, I intently studied all these books, for I saw fit to write what can be determined from all of these works in regard to what is forbidden and permitted, and unclean and clean, and the other rules of the Torah: Everything in clear language and terse style, so that the whole Oral Law would become thoroughly known to all, without bringing problems and solutions or differences of view, but rather clear, convincing, and correct statements in accordance with the law drawn from all of these works and commentaries that have appeared from the time of Our Holy Teacher to the present.

42 This is so that all the rules should be accessible to the small and to the great in the rules of each and every commandment and in the rules of the legislations of the sages and prophets: in short, so that a person should need no other work in the World in the rules of any of the laws of Israel; but that this work would collect the entire Oral Law, including the positive legislations, the customs, and the negative legislations enacted from the time of Moshe Our Teacher until the writing of the Talmud, as the Geonim interpreted it for us in all of the works of commentary they wrote after the Talmud. Thus, I have called this work the [Complete] Restatement of the [Oral] Law (Mishneh Torah), for a person reads the Written Law first and then reads this work, and knows from it the entire Oral Law, without needing to read any other book between them.

43 I have seen fit to divide this work into groups of laws according to topics, and I divide the groups into chapters dealing with the same topic; and I divide each chapter into paragraphs, so that they may be learned by heart.

44 Among the groups in the various topics, some groups include the detailed laws relating to a single Biblical commandment, when the commandment comes with many oral traditions that make up a single topic; and other groups include the detailed laws of many Biblical commandments, when all the commandments are on one topic: For the organization of this work is according to topics, and is not according to the counting of commandments, as will be clear to one who reads it.

45 The number of Torah commandments that are obligatory for all generations is 613: 248 of them are positive commandments, whose mnemonic is the number of parts in the human body; 365 of them are negative commandments, whose mnemonic is the number of days in the solar year.